

**PATENT****REMARKS**

In the Office Action, claims 1, 2, and 11 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Number 5,507,781 to Kroll et al.

In the Office Action, claims 3-10, 12-16, 18, and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In the Office Action, claims 20 and 21 are allowed over the prior art of record.

In response thereto, claims 1 and 11 have been amended. Accordingly, claims 1-16 and 18-21 are now pending. Following is a discussion of the patentability of each of the pending claims.

**Independent Claim 1**

Claim 1 recites an implantable defibrillator having a shocking circuit comprising a set of capacitors and a switching circuitry connected to the capacitors and operative to selectively discharge the capacitors so as to generate a first phase of a biphasic defibrillation pulse waveform wherein the first phase of the waveform has at least three distinct voltage peaks.

The Kroll et al. reference does not disclose or suggest an implantable defibrillator having a shocking circuit and a switching circuitry to generate a first phase of a biphasic defibrillation pulse waveform having at least three distinct voltage peaks. The Kroll et al. reference discloses an implantable defibrillation system. In one embodiment, the implantable defibrillation system generates a monophasic waveform comprising four voltage peaks (see Figure 6C and column 7, lines 47-55). In another embodiment, the implantable defibrillation system generates a monophasic waveform comprising three voltage peaks (see Figure 8C and column 8, lines 51-63). In still another embodiment, the implantable defibrillation system generates a biphasic waveform comprising a first phase having two voltage peaks (see Figure 8A and column 8, lines 17-25). However, none of the embodiments in the Kroll et al. reference discloses a biphasic waveform comprising a first phase with three voltage peaks.

Accordingly, it is respectfully submitted that claim 1 is in condition for allowance.

**PATENT**Dependent Claims 2-10

Claims 2-10 depend from claim 1 and are similarly patentable. Accordingly, it is respectfully submitted that these claims are in condition for allowance.

Independent Claim 11

For at least the same reasons discussed above with regards to claim 1, it is respectfully submitted that claim 11 is in condition for allowance.

Dependent Claims 12-16, 18, and 19

Claims 12-16, 18, and 19 depend from claim 11 and are similarly patentable. Accordingly, it is respectfully submitted that these claims are in condition for allowance.

Independent Claim 20 and Dependent Claim 21

Claims 20 and 21 are allowed over the prior art of record.

**CONCLUSION**

In light of the above claim amendments and remarks, it is respectfully submitted that the application is in condition for allowance, and an early notice of allowance is requested.

Respectfully submitted,

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